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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,000	10/01/2003	Brian James DeHamer	200208016-1	7248

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EXAMINER

VO, TED T

ART UNIT	PAPER NUMBER
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2191

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/677,000

Applicant(s)

DEHAMER ET AL.

Examiner

Ted T. Vo

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-10, 13-17 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 13-17 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on 1/29/2007.

Claims 1-3, 6-10, 13-17, 20-24 are pending in the application.

Specification

2. The specification has amended, but the amendment is not pursuant to 37 CFR 1.121 (b) and 37 CFR 1.77(b).

This specification remains objected to. Applicants traversed the objection to the content of the specification required under 37 CFR 1.77(b) by reasoning that Applicants are not aware any laws or regulation set forth to require having (g) BRIEF SUMMARY OF THE INVENTION in the specification. Applicants argued that BRIEF SUMMARY OF THE INVENTION based on 37 CFR 1.73, is only option.

Respectfully, there is no statement in 1.73 says this section is optional. However, according to 37 CFR 1.77(b), (g) is part in the format of the specification. See MPEP 608.01(d)

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

It's clearly that the Brief Summary of the Invention is necessary as part in the format of the specification pursuant to 37 CFR 1.77(b), and the objective of it is set forth in 37 CFR 1.73. The objective of this section is to assist the understanding of the invention. Any application should assist the understanding of its invention. If the specification does not have any objective for its invention then including the heading (g) BRIEF SUMMARY OF THE INVENTION and indicates with "not applicable" in

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accordance to 37 CFR 1.77(b) (i.e. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading) as it is set forth in 37 CFR 1.77(b).

It should be also noted that no permanent text in the specification is underlined. If a permanent text in the specification were underlined, it would be confused when it is amended.

The specification remains objected to.

Applicants are also respectfully directed to the statement in MPEP 1302.01 [R-5] General Review of Disclosure. In the Final Review and Preparation of the issue of an application, any specification pursuant to 37 CFR 1.77(b) will put the application in one of the allowance conditions.

Response to Amendment

3. The amendment to the specification is objected to. It requires providing the amendment pursuant to 37 CFR 1.121 (b)(i) and (ii).

It should be noted that underlined text is used only for indication of a change or new text added an amendment. See MPEP.

Response to Arguments

4. Applicants arguments to the rejection have been considered.

It should be noted that a layout in a webpage is belonged to public domain. Any layout in the webpage can be in a shape of a-frame, b-frame, c-frame or whatever.

In attempt to make a language distinction from the prior art, the amendment added limitations in the independent claims:

*** wherein the configuration information corresponds to a plurality of portals, and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals.

However, the scope of the claims is merely "a controller generator" and "a layout manager".

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The controller generator is used in response to a request, where the request is asking for a web page in a c-frame format (seen in the specification description). In the means time, the layout manager provides a web script, seen in any webpage, editable as "source", and containing XML or HTML tags. In the manner of the web layout, XML or HTML tags define configuration information. It should be noted that the tags used in XML or HTML are at thus far used as for the web layout in a webpage viewable by a browser.

The two elements XML and HTML appear belong to the public use. The layout in a web is opened to any web designer like a painter draws a picture using his own palette. Should XML/HTML tags used for a c-frame layout in a webpage be patent infringement? Or should a fish seen in the reference of record, FIG. 22 be claimed as a patentable feature?

With regard to "a plurality of portals", the specification does not provide adequate information. The adding limitation "" above creates more contradiction in the scope of the claim, or is displayed as an indented use, rather than a layout requested by the user (*"as part of the information sent to the user in response to the request"*).

The language such as corresponds to a plurality of portals does not make any clear fact that can be used as data in a patent infringement test since any user directly contacts only one service provider at a time. Therefore in light of the speciation, the user in reference of record has read the *request* of the claim, and any web service providers directly from the user webpage, such as "Netscape homepage", "web Server", "Web Site", and/or "Internet Service Provider" who provide the user' request a web page in the c-frame such as in FIG. 21, have read "corresponds to a plurality of portals" in light of the specification. Moreover, the layout of the c-frame depends on the Attributes form from the front-end demon editable by the user (FIG. 3, #S10), i.e., the shape of the c-frame depends on the attributes entered by the user (FIG. 3, #S20, #S50). FIG 21 or 22 shows attribute information (i.e. configuration information), used as tags of the source, provided to the user, and the information controls the different layout of a c-frame.

Furthermore, Applicants' amendment does not point out the patentable novelty in the claims. According to 1.111(c), in amending in reply to a rejection of claims in an application Applicants must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of

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the art disclosed by the references cited or the objections made. Applicants show how the amendments avoid such references or objections.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter is that, **"tangible machine readable medium"**. The specification does not disclose any **medium**.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. The claims 22-24 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

The Claims 22-24 fail under the statutory of 35 U.S.C 101 for lacking utility. The specification does not establish any specific and substantial utility for the claimed subject matter: **"tangible machine readable medium"**.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 6-10, 13-17, 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Dan et al., US Pat No. 6,560,639 B1.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Dan discloses, *A system (See FIG. 2), comprising:*

a controller generator that is adapted to provide an application with a controller that receives a request for data from a user and responds to the request by sending information to the user in a predetermined format (See FIG. 3-4);

and a layout manager generator that is adapted to provide a layout manager that formats a c-frame based on configuration information and renders the c-frame (e.g. all the dots in the section Admin, For example, see FIG. 7; the designed selections of this configuration information from Web designers will render the layout C-frame of FIG. 13) as part of the information sent to the user in response to the request (See the Admin provided in FIG. 9 etc.),

wherein the configuration information corresponds to a plurality of portals (Refer to "Netscape homepage", "web Server", "Web Site", and/or "Internet Service Provider", appear in the reference), and wherein the layout manager is adapted to produce a different c-frame in response to requests received via each of the plurality of portals (See Attributes form from a front-end demon editable by the user (FIG. 3, #S10). Each layout of a c-frame, provided to by "Netscape homepage", "web Server", "Web Site",

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and/or "Internet Service Provider", is different because it depends on attributes entered by the user (FIG. 3, #S20, #S50). FIG 21 or 22 shows attribute information (i.e. configuration information), used as tags of the source, provided to the user, and the information controls the different layout of a c-frame).

As per Claim 2: Dan discloses, *The system set forth in claim 1, wherein the controller is adapted to read the configuration information from a configuration file* (See FIG 7).

As per Claim 3: Dan discloses, *The system set forth in claim 2, wherein the configuration file is an extensible markup language ("XML") file* (NOTE XML is an extensible HTML file: See contents given in FIG. 7).

As per Claim 6: Dan discloses, *The system set forth in claim 1, wherein the c-frame comprises a header, a left side bar and a footer* (See FIG. 13).

As per Claim 7: Dan discloses, *The system set forth in claim 6, wherein the header comprises a head.jsp object and a top.jsp object*. (Back to FIG. 7, refer to content Objects that render the C-Frame of FIG. 13)

As per Claims 8-10, 13-14, and 15-17, 20-21: Dan discloses the claimed limitation as addressed in the same reason as in Claims 1-3, 6-7 above, respectively.

As per Claims 22-24: Dan discloses the claimed limitation as addressed in the same reason as in Claims 1-3 above, respectively.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

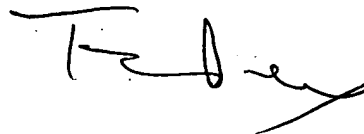
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
April 13, 2007



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PRIMARY EXAMINER
TECHNOLOGY CENTER 2100